REMARKS

This responds to the Office Action dated July 16, 2008.

Claims 1-9, 12-18, 20-28 and 35 are amended, claim 32 is canceled, and no new claims are added; as a result, claims 1-31 and 33-35 are now pending in this application.

§102 and §103 Rejections of the Claims

Claims 1-26, 32 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheok (U.S. Patent No. 6,934,906; hereinafter referred to as the Cheok reference) in view of Hendricks (U.S. Patent No. 5,990,927; hereinafter referred to as the Hendricks reference). Claims 27-31, 33 and 34 were rejected under 35 U.S.C. § 102(e) for anticipation by the Cheok reference.

Before directly addressing the examiner's rejections, a brief review of the present disclosure is desirable. In the system disclosed in the present application, multiple video streams as well as a "presentation description" are received in set-top boxes that are used for outputting video programming to video viewers. Within each set-top box 200, more than one video decoder (such as video decoders 220, 224, and 228) can then decode multiple video streams, images, and audio simultaneously. A video controller 218 can then process the presentation description with reference to local user preferences 252 in order to combine the multiple video streams, images, and audio with a video-combiner 232 to create a combined video signal 236 that will be displayed as video programming to the specific local user. **Figure 3** illustrates a very useful example of the system of the present application in operation. In the example of **Figure 3,** two different background images or video (306 and 308) may be combined with two different automobile images or video (302 and 304) to create four different possible permutations of an advertisement (310, 312, 314, and 316) that may be created for different viewers. The particular permutation of media elements that will be combined will be determined in part based upon the local user preferences 252.

The main reference relied upon by the Examiner is the Cheok reference. The Cheok reference discloses methods for integrating external applications in an MPEG-4 scene. MPEG-4 is a compression standard that allows a scene to be created from a variety of MPEG-4 defined

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media objects **541** such as video, still images, graphics, computer models, text, etc. MPEG-4 may render a scene using a scene description **542** that combines together the media objects **541** in a deterministic manner such that all systems that receive the same MPEG-4 stream would render the same scene. However, to alter the MPEG-4 standard, the <u>Cheok</u> reference discloses integration instructions **222** that may be used to integrate external application instructions **229** into the scene. For example, the <u>Cheok</u> reference mentions that a web browser, portable document format reader, or spreadsheet could be integrated into an MPEG-4 stream. These external application instructions **229** allow for an MPEG-4 scene to incorporate external applications.

The Applicants have amended the claims to highlight the distinctions of the disclosed system over that of the <u>Cheok</u> reference. In particular, the present system uses a presentation description that is a set of instructions which define a plurality of different manners of combining different media objects. The particular manner of combining the different media that will be selected and employed is dependent upon the user preference information present in a set top box. For example, claim 1 notes that the system specifies "a selected manner in which the images are combined being selected from said plurality of manners of combinations based upon user preference information in said set top box." Thus, the images presented in different set top boxes will vary upon the user preference information in those different set top boxes. This differs from an MPEG-4 based system wherein every receiver system will display the same information.

The system of the <u>Cheok</u> reference is capable of displaying different images on different systems that receive the same MPEG-4 stream but only in a very limited manner. Specifically, the external application instructions **229** (such as a web browser or spreadsheet) in the <u>Cheok</u> reference system may create a variety of different displays. However, this is only possible since an external application **155** resident on the local system is running and being integrated into the MPEG-4 display as illustrated in **Figure 1** of the <u>Cheok</u> reference. This is very different that the presently claimed system wherein it is the received presentation description itself that generates a different display on each system.

The Examiner noted that <u>Cheok</u> reference does not use user preference information to combine media elements on a particular set top box but cited another reference for such a

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teaching. Specifically, with reference to claim 32 (which has been cancelled in this amendment), the Examiner noted that:

> Cheok does not disclose the system as set forth in claim 27, said system further comprising:
> viewer preference information from said at least one viewer stored in said memory that is used by said presentation description.
> Hendricks discloses personal profile information from a viewer stored in a set top box that is used by a presentation description to provide program recommendations to the user [col. 34, l. 26-34].
> It would have been obvious for the system of Cheok to use a personal profile to compose a scene where one of the scene elements is program recommendations in accordance with Hendricks' system for the purpose of providing program recommendations to the user.

But this section does not teach the claimed system that requires "a selected manner in which the images are combined being selected from said plurality of manners of combinations based upon user preference information in said set top box." The Hendricks reference merely teaches the suggestion of a particular (fully complete) program using user preference information. This is similar to the manner in which TiVo personal digital video recorders track user preferences and record additional programs using the user's preferences. Such suggested (or recorded in the case of a TiVo system) programming constitutes complete programs, not a combination of individual elements. This is very different from the claimed system wherein individual media elements are combined locally in the set top box to create a final piece of video programming.

In summary, system of the present invention teaches a new system of creating customized video programming for viewers. In the claimed system, a presentation description is received into the set top box. That presentation description includes instructions that specify a plurality of different combinations of media elements. Local user information is then consulted in order to select which particular combination will be created in the local system. The selected combination is then created and displayed locally. All of these elements are present in all of the amended independent claims. No combination of the Cheok reference and/or the Hendricks anticipates such a system or renders such a system obvious. Thus, the amended independent claims are allowable over the cited references. The dependent claims include all of the limitations of the allowable independent claims and are thus likewise allowable.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this _____ day of October, 2008.

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